

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



**Application No. 16418** of **Winfield S. Sealander**, pursuant to 11 DCMR 3107.2, for a use variance from Subsection 330.4, to permit the operation of a fitness facility and a community auditorium in a CAP/R-4 District at premises 315 G Street, S.E. (Square 796, Lot 842).

**HEARING DATE:** January 20, 1999  
**DECISION DATE:** January 20, 1999 (Bench Decision)

**SUMMARY ORDER**

The application was originally advertised in the alternative requesting either a special exception to change a non-conforming use to another non-conforming use, or, requesting a use variance. The applicant, however, pursued the use variance alternative.

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 6B and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 6B. ANC 6B, which is automatically a party to this application, submitted a written statement of issues and concerns related to the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR Subsection 330.4. No person or entity appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3107, that there exists an exceptional or extraordinary situation or condition related to the property which creates an undue hardship for the owner in complying with the Zoning Regulation, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. It is therefore **ORDERED** that this application be **GRANTED**.

Pursuant to 11 DCMR 33301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

**VOTE:** 3-0 (Betty King, Sheila Cross Reid and Jerry H. Gilreath to grant).

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

ATTESTED BY:   
SHERI M. PRUITT-WILLIAMS  
Interim Director

**FINAL DATE OF ORDER:** FEB - 3 1999 \_\_\_\_\_

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
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**BZA APPLICATION NO. 16418**

As Interim Director of the Office of Zoning, I certify and attest that on FEB - 3 1999  
a copy of the order entered on that date in this matter before the Board of Zoning Adjustment  
was mailed first class, postage prepaid to each party who appeared and participated in the public  
hearing concerning this matter, and who is listed below:

Richard B. Nettler, Esquire  
1801 K Street, N.W., Suite 1200  
Washington, D.C. 20006

Winfield S. Sealander  
111 10<sup>th</sup> Street, N.E.  
Washington, D.C. 20002

Chairperson  
Advisory Neighborhood Commission 6B  
921 Pennsylvania Avenue, S.E., Suite 108  
Washington, D.C. 20003

Attested By: *Sheri M. Pruitt-Williams*  
**SHERI M. PRUITT-WILLIAMS**  
Interim Director

Attest/ljp